IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.387/2007.

Mrs. Georgina F. Do Figuiredo,
resident of House No.377,
Loutolim, Salcete-Goa,
represented herein by her duly
constituted Power of Attorney,
Mr. Imran Khan, resident of
House No.2730, Murida, Fatorda-Goa. .. Petitioner.

Versus

(1) State of Goa, through its
Secretary (Mines), having Office at
Secretariat, Porvorim, Bardez-goa.

(2) Union of India, through its Secretary,
Ministry of Coal & Mines, Department
of Mines, New Delhi. .. Respondents.

Mr.Mahesh Sonak,Advocate for the petitioner.
Mr. S. S. Kantak, Advocate General with Ms. Leena Dharwadkar, Addl.Govt. Advocate for the respondent No.1.

Coram :- R.M.S. KHANDEPARKER &
R. S. MOHITE, JJ.
Date : - 22nd August, 2007.

ORAL JUDGMENT :

Heard. Leave to amend the petition by deleting the respondent No.2. Amendment to be carried out forthwith.

Rule. Rule is made returnable forthwith by consent.

The learned Counsel for the petitioner has fairly submitted that the petitioner will restrict the petition to the extent of relief in terms of prayer clause (D).

The learned Counsel has also drawn our attention to the earlier decision of this Court in Writ Petition No.477/2005 delivered on 16.12.2005 wherein, in view of the similar issues involved in the matter, the relief in the nature asked for in terms of prayer clause (D) was granted.

It is not in dispute that the facts and circumstances of the case are similar to the case which was decided on 16.12.2005. Being so, issues being the same, the petitioner justifies in seeking direction in terms of prayer clause (D). Needless to say that the respondent shall dispose of the matter within a period of 6 months from today.

In the result, petition is allowed and rule is made absolute in terms of prayer clause (D) subject to condition that decision shall be within a period of 6 months. There will be no order as to costs.

R.M.S. KHANDEPARKAR, J.

R. S. MOHITE, J.

SMA